HOUSE RESOLUTION

URGING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES TO DEVELOP A PROCEDURE FOR SETTLING AND RESOLVING DISPUTES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND THE IMPROVEMENT OF ROADWAYS.

WHEREAS, the safety of the public is an important concern to the Legislature, and the quality of roadway maintenance throughout the State has a direct impact on the safety of individuals operating motor vehicles; and

WHEREAS, there have been long standing jurisdictional disputes between the counties and the State regarding roadway ownership and responsibility for maintenance and improvement of roadways, and as a result, the people of the State have experienced considerable frustration in obtaining necessary repairs and maintenance of public roads; and

WHEREAS, this problem apparently originates from a 1963 amendment that redesignated section 142-1, Hawaii Revised Statutes, as section 264-1, Hawaii Revised Statutes, and created two categories of public highways--state highways, which are under the jurisdiction of the state Department of Transportation, and county highways, which comprise all of the remaining highways; and

WHEREAS, the State claims that under this law, all nonstate roadways were transferred from the State to the various counties and are not the responsibility of the State, while the counties maintain that a highway does not become a county highway unless it is accepted or adopted as such by the county council and thus accept no responsibility for roadways they have not accepted or adopted; and

WHEREAS, the dispute over roadway jurisdiction has been a lengthy one, with the State and county governments staunchly maintaining their respective positions and showing no interest in modifying them to facilitate a negotiated settlement; and

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 WHEREAS, the cost of improving and maintaining the roadways in question appears to be a significant impediment to the resolution of this problem, with the counties, on the one hand, not wanting to incur the expense of making the improvements necessary to bring the disputed roadways into conformity with county codes, especially without any financial assistance from the State, and the State, on the other hand, hoping to avoid considerable additional burden in personnel, equipment, and funds that the responsibility for these roads would entail; and

WHEREAS, there is a need for a dispute resolution process in order to perform needed maintenance and repairs on the roadways in Oahu; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2013, that the Department of Transportation and City and County of Honolulu Department of Transportation Services are urged to develop a procedure for resolving and settling disputes regarding ownership and responsibility for the maintenance and improvements of roadways; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, the Director of Transportation and the Mayor, the Chairperson of the Council, and the Director of the Department of Transportation Services of the City and County of Honolulu.

OFFERED BY:

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